

W.R. RELOCATION AUTHORITY

Washington

September 25, 1943

ADMINISTRATIVE NOTICE

Subject: Manual Release 13

Distribution: 4

Attached is the Manual Section relating to Injury Compensation for evacuee employees of W.R., Section

50.5.50 to 50.5.64

Administrative Instruction No. 79, as noted, is superseded and may be destroyed.

New material is found in subsection .64, also in Paragraph B of subsection .59. Both changes are based on a letter from the U.S. Employees' Compensation Commission dated May 25, 1943

Peland Barrow
Executive Officer

.50 The First Supplemental National Defense Appropriation Act, 1943, (Public Law No. 678, 77th Congress, approved July 25, 1942), which made appropriations for the War Relocation Authority for the fiscal year, 1943, made the Compensation Act of September 7, 1916, as modified by the Act of February 15, 1934, as amended, applicable to persons receiving from the United States compensation in the form of subsistence, cash advances, or other allowances in accordance with regulations prescribed by the Director of the War Relocation Authority for work performed in connection with the relocation program. This is also provided for by the National War Agencies Appropriation Act, 1944, making appropriations to the War Relocation Authority for the fiscal year 1944.

Legislative
Authority
for
Compensation
Benefits
for
Evacuee
Workers

.51 Evacuees employed by the War Relocation Authority who sustain traumatic injuries in the performance of duty are entitled to the following compensation benefits under the provisions of the Compensation Act:

Compensation
Benefits
Available
to
Evacuee
Workers

- A. Necessary medical treatment including hospital care.
- B. Compensation payments during a period of total disability, excluding the period during which a worker receives pay after any injury, also excluding a three-day waiting period after pay stops, in the amount of two-thirds of the worker's monthly wage as of the date of the accident. Compensation may not exceed \$50.00 a month and may not total more than \$4,000.00, exclusive of the cost of medical treatment and hospital care.
- C. Compensation awards for permanent partial disability resulting from the loss of limbs, eyes, fingers, etc., in accordance with a schedule of awards prescribed by the U. S. Employees' Compensation Commission and approved by the President.
- D. In case of death, burial expenses not in excess of \$200.00. *Fun. covered by contract*
- E. Compensation awards to dependents if the injury causes death, in accordance with a schedule of awards prescribed by the U. S. Employees' Compensation Commission and approved by the President.

It is important for the evacuees to establish their rights under the Compensation Act inasmuch as the Act in some cas-

9/25/43
Supersedes A.I. # 79

(.51)

es provides benefits in addition to pay for services after they are reemployed and benefits which may continue after the termination of the relocation program.

- .52 The benefits provided by the Compensation Act extend only to traumatic injuries sustained by an evacuee while in a duty status in the service of the United States and while receiving compensation in the form of subsistence, cash advances, or other allowances. The benefits do not extend to persons who are engaged in private employment, such as employment by the business enterprise and by private employers operating enterprises at the centers. The compensation benefits are provided for evacuees who are injured only while engaged in the performance of duties assigned to them when in a duty status, or while traveling between their homes at the relocation centers and the place of assigned work.

Injuries
for which
Benefits
are
Provided

The Act provides compensation only for traumatic injuries and provides that a traumatic injury shall include "only an injury by accident causing harm or damage to the physical structure of the body and shall not include a disease in any form except as it shall naturally result from the injury."

The Act does not provide compensation where the injury or death is caused by the unlawful misconduct of the injured worker or by his intention to bring about the injury or death of himself or another. It does not provide benefits where the intoxication of the injured worker is the proximate cause of the death or injury.

- .53 The U. S. Employees' Compensation Commission is vested with responsibility for the administration of the Compensation Act. The Commission is authorized to make necessary rules and regulations for the administration of the Act and to decide all questions arising under it. In the absence of fraud or mistake in mathematical calculations, the findings of facts in and the decisions of the Commission upon the merits of claims presented under or authorized by the Act, if supported by competent evidence, are not subject to review. There is no statutory authority for review of any decision by the Commission with respect to a claim. The Commission has advised that parts 21 to 24, inclusive, of its regulations as amended to June 30, 1939, will be applicable to evacuee workers claiming compensation under the Act. The instructions in Sections

Administration
of
Compensation
Act

9/25/43

Supersedes A.I. # 79

(.53)

50.5.50 to 50.5.64 are based upon the regulations prescribed by the Commission for the administration of the Compensation Act.

- .54 The medical facilities at WRA centers shall be used in all injury cases where such facilities can be used and are adequate. Where the medical facilities at the centers are not adequate or where the medical facilities at the centers are not accessible, medical treatment of the injured worker may be applied for and obtained at other United States Medical establishments at the expense of the Commission. Private medical facilities may be used at the expense of the Commission only where adequate Federal medical facilities are not available. No claims shall be made against the Commission for the cost of medical services or hospitalization furnished an injured worker at a center hospital or by a center physician. All injury cases which do not come within the scope of the provisions of the Compensation Act and which require the attention of private physicians and private hospital care shall be handled in accordance with the provisions of that part of Section 30.2 pertaining to hospitalization and specialized consultation services away from the center.

Medical
Treatment
of
Injured
Evacuee
Workers

- .55 Regulations of the Authority which provide 15 days' sick leave benefits for workers, shall extend to workers who are unable to perform their duties due to injuries. A worker may elect to receive either sick leave benefits or compensation benefits for 15 days following an injury during which he is disabled, but he may not receive both. A worker who has elected to receive sick leave benefits may claim compensation for disabilities continuing after the expiration of the sick leave benefits. Thereafter, he shall not be eligible for extended illness compensation under WRA regulations while entitled to benefits under the Compensation Act.

Choice
of
Compensation
of
Sick Leave

- .56 Injured workers whose benefits under the Compensation Act are insufficient to enable them to support themselves and their families may apply for and receive public assistance grants in accordance with the regular procedure with respect to grants (Section 30.4).

Grants to
Injured
Evacuee
Workers

- .57 It shall be the responsibility of the Project Director in the event of the injury of a worker:

First
Steps After
Injury

9/25/43

Supersedes A.I. # 79

(.57)

- A. To investigate the circumstances of the injury to determine whether it was incurred in the performance of duty.
- B. To advise the injured worker of the compensation benefits to which he may be entitled.
- C. To assist the injured worker in the preparation of the forms provided for the submission of compensation claims.
- D. To maintain a sufficient record of each case to assure prompt attention to active cases.

The Project Director may delegate to a member of his staff such of the duties conferred upon him by this instruction as he shall deem advisable. He may authorize such staff member to execute forms in connection with compensation claims as the "official superior" of injured evacuees who claim compensation.

- .58 The following forms prescribed by the U. S. Employees' Compensation Commission shall be used in preparing reports and claims in connection with injuries to evacuee workers:

**Forms
for
Compensation
Cases**

- CA-1 Worker's Notice of Injury
- CA-2 Official Superior's Report of Injury
- CA-3 Report of Termination of Disability or Report of Death
- CA-4 Worker's Claim for Compensation on Account of Disability
- CA-5 Claim of Dependents for Compensation on Account of Death
- CA-8 Claim for Continuance of Disability Compensation
- Special Form CA-16 Authorization for Medical Treatment (Includes Physician's Report)
- Form CA-42 Affidavit Relating to Representatives of Deceased Beneficiaries
- Special Form CA-43 Affidavit of Undertaker
- Form S-69 Public Voucher for Services and Supplies of Hospitals and Physicians

The Commission has been requested to send an adequate supply of forms to each Project Director. If additional forms are needed, each Project Director is authorized to request an additional supply from the Commission. All

9/25/43

Supersedes A.I. # 79

(.58)

communications to the Commission should be addressed to U. S. Employees' Compensation Commission, 285 Madison Avenue, New York City.

All forms shall be prepared in duplicate except Special Form CA-16 which shall be prepared in triplicate. The originals shall be transmitted to the Commission, as herein provided, and copies shall be retained in the Center files. An extra copy of Special Form CA-16 shall be delivered to the hospital or physician providing private medical care for an injured worker.

.59

- A. All reports of injury shall be given by the injured worker within 48 hours after the injury occurs. Special justification for failure to report an injury is required where a report is not made within 48 hours. The Commission is authorized to disallow a claim which is not reported within 60 days. It may not allow a claim which is not reported within one year.
- B. Item No. 16 on Form CA-2 is required to specify the rate of pay of the injured worker on the date of the injury. The monthly rate of the cash payment which the worker was receiving on the date of the injury shall be inserted in the first blank in Item No. 16. In the blank for the value of subsistence furnished, the total value of the clothing allowance, which the worker was receiving, plus \$19.00, which is the value of the subsistence, shall be inserted. In the blank for the value of quarters furnished, the figure \$6.50, shall be inserted.
- C. In all cases involving permanent partial disability, such as the loss of a finger, hand, or limb, the injured worker shall be advised that he may claim and receive compensation in accordance with regulations prescribed by the Commission even though he is able to return to work.
- D. The Project Director shall delegate to the Chief of the Administrative Management Division the duties and responsibilities imposed upon the Project Director by this Instruction. The Administrative Management Division in the Washington office shall handle all problems arising there under these instructions.

General
Instruction
on
Reporting
Injuries

9/25/43

Supersedes A.I. # 79

Minor
Injuries

.60 Notice of any injury to a worker, however slight, shall be prepared on Form CA-1. Form CA-1 shall be prepared even though the injury appears to be so slight in character that the injured worker has no intention of making a claim for compensation. Reports of such minor injuries shall be retained in the files at the center until the termination of the relocation program, and may then be transmitted to the Commission with the permission of the Director.

.61 If a worker's disability resulting from an injury continues after his pay has stopped and if he wishes to claim compensation for the injury, Form CA-2 and Form CA-4, in addition to Form CA-1, shall be prepared for submitting the claim to the Commission.

A. Form CA-4 shall be sent to the Commission upon the termination of the disability if the duration of the disability is less than 18 days after the worker's pay has stopped. The forms shall be sent to the Commission upon the expiration of 18 days after the worker's pay has stopped if he is still unable to return to his duties.

B. Form CA-4 shall be accompanied by Forms CA-1 and CA-2 when transmitted to the Commission.

C. In each case where CA-4 has been filed with the Commission, Form CA-8 shall be prepared and submitted to the Commission semi-monthly as long as the disability of the worker continues.

D. In cases where neither Form CA-2 nor Form CA-4 indicate that the worker returned to duty, Form CA-3 shall be prepared and shall be sent to the Commission when the worker's disability terminates. It is not necessary to prepare and submit Form CA-3 to the Commission if the date of the termination of disability of the worker or his return to work is shown on the Form CA-2 or Form CA-4.

E. In all hernia cases, Form CA-32 shall be prepared and shall accompany Form CA-4 when submitted to the Commission.

Injuries
Involving
Loss of Time
from Work
or Private
Medical
Treatment

.62 If the medical facilities of the War Relocation Authority are not available or are not adequate for the treatment of an injury, private medical facilities may be used to

Private
Medical
Treatment

9/25/43

Supersedes A.I. # 79

(.62)

treat the worker under the conditions specified in Section 50.5.54 hereof. A claim shall be made against the Commission for the cost of hospitalization and medical care where private medical facilities are utilized.

- A. Forms CA-1 and CA-2 shall be prepared and transmitted to the Commission. Where these forms are filed with the Commission for the purpose of claiming the cost of medical care, it will be unnecessary to file additional copies of such forms if a claim is made by the evacuee for cash compensation.
- B. In cases in which there is no doubt concerning the right of the worker to receive medical care under the Compensation Act, the original and one copy of Special Form CA-16 shall be issued by the Project Director to the physician or hospital requested to provide the medical treatment or hospital care. Special Form CA-16 is the physician's or hospital's authority for rendering services for the account of the Commission, and the charges will not be paid by the Commission in the absence of such authority.
- C. Where there is doubt as to whether an injury is compensable, the Project Director shall authorize necessary medical treatment and care by a private physician or a private hospital. He shall request the physician to examine the injured worker and shall make such further investigation as may be necessary to determine whether the injury is compensable.

Cases where
Compensability
is not in Doubt

If, following the medical examination and further investigation, the Project Director has no doubt that the injury is compensable, he shall issue Special Form CA-16 to the physician or hospital and shall request the physician or hospital to submit a claim for reimbursement to the Commission. If the Project Director has any doubt that the injury is compensable, he shall refer the facts to the Commission. Telegraph service, at the expense of the Commission, shall be used for this purpose. Night letter service shall be used where practicable. If the Commission finds the injury to be compensable, the Project Director shall request the physician or hospital to submit a claim for reimbursement to the Commission.

Cases where
Compensability
is in Doubt

If the Project Director finds, or if the Commission rules, that the injury is not compensable, the ex-

9/25/43

Supersedes A.I. # 79

(.62C)

penses incurred shall be paid pursuant to the subsection on hospitalization and specialized consultation services away from the centers, in Section 30.2.

- Hernia Cases**
- D. In all hernia cases, Form CA-32 shall be prepared and submitted to the Commission. No hernia operation at a private hospital shall be authorized by the Project Director at the expense of the Commission, except that in an emergency due to strangulation or incarceration where it is clear that the complication is due to traumatic injury in performance of duty, the Project Director may authorize such an operation locally. The items of information requested on Form CA-32 shall be furnished in detail.
- Changes of Physician**
- E. Authorization for medical treatment shall not be issued to more than one private physician. If a second physician is necessary, the attending physician has authority to procure such assistance as he may deem necessary. If it is necessary to change physicians, Special Form CA-16 shall be issued to the physician to whom the case is referred. The first physician shall be asked to submit all his charges to date on voucher Form S-69, in accordance with Paragraph H of this subsection, and the reasons for the change of physicians shall be reported to the Commission.
- Special Nurses**
- F. Attending physicians are authorized to engage special nurses where such special care is essential. Written authorization need not be issued by the Project Director for the services of nurses engaged by the attending physician. The Commission's allowance for hospitalization covers all general nursing service. The necessity for special nurses must be shown in each case. Voucher Form S-69 shall be furnished to nurses who wish to submit claims for services rendered. Nurses submitting vouchers shall certify that they were not employed on a salary basis by the attending physician, or the hospital in which the service was rendered. Such vouchers shall be approved by the attending physician.
- Dental Treatment**
- G. Emergency dental treatment shall be handled in the same manner as other private medical services. No dental reconstruction work by private dentists shall be authorized for the account of the Commission without its prior approval.

9/25/43

Supersedes A.I. # 79

(.62)

- H. The Project Director shall follow up all cases under private medical care, shall secure medical reports, and shall endorse each voucher for medical services, Form S-69, before it is sent to the Commission, certifying that the services for which the claim is made were rendered to the injured person. This endorsement shall be made in the right margin of the original form. A rubber stamp shall be used for this purpose where practicable. The endorsement shall be in the following form:

"I certify that the services covered by this voucher were rendered as claimed.

Endorsement
of
Voucher
for
Medical
Care

(Title)

The voucher when submitted to the Commission shall be accompanied by the original Form CA-16 which authorized the performance of the services.

.63

- A. Where an injury sustained by a worker in the performance of duty results in death, or is alleged to have caused the death of a worker, the Project Director shall notify the Commission immediately by telegraph. Night letter service shall be used where practicable. The following information shall be furnished the Commission in a telegraphic report of the death of a worker.
- (1) The full name of the deceased worker.
 - (2) The name and location of the center where the worker was employed.
 - (3) The date of the accident and a brief statement of the facts relating thereto.
 - (4) The name and address of the examining physician, a brief statement of his diagnosis, and a statement as to whether he recommends an autopsy.
 - (5) A statement as to whether the worker's family will consent to an autopsy if one is desired by the United States Employees' Compensation Commission.

Injuries
Involving
Death and
Claims
by
Dependents
of
Evacuee
Workers

9/25/43

Supersedes A.I. # 79

(.63A)

(6) A statement as to whether the Project Director has proceeded with funeral arrangements at expense of the Commission or whether a decision by the Commission is requested before he proceeds with burial arrangements.

- B. After the telegraphic report of an injury has been made to the Commission, Form CA-2 and CA-3 shall be prepared and sent to the Commission in all cases where the injury of a worker results in death.
- C. Complete medical reports covering the condition of the deceased from the date of injury to the date of death, including copies of clinical records, X-ray reports, laboratory findings, autopsy reports, if any, and the opinions of the attending physician as to the cause of death shall accompany the official reports in each case.
- D. A certified copy of the death certificate or the coroner's report shall also be sent to the Commission at the earliest possible date after the death of the worker.
- E. Where compensation is claimed by the dependents of an injured worker, Form CA-5 shall be prepared. The Commission will furnish instructions with respect to the preparation of Form CA-5 and the documentary evidence required to support the claims of the dependents.

.64 Arrangements for the burial of a deceased worker shall be made as follows:

- A. Where there is no doubt that the injury sustained by the deceased was within the scope of the Compensation Act, the Project Director shall proceed with arrangements for burial or cremation under the contract for funeral services at the relocation center obtained pursuant to Section 30.2, except that the contractor shall be requested to submit his claim for reimbursement to the Commission. The undertaker shall be requested to submit his claim to the Commission on Standard Voucher Form No. 1034. The voucher shall be accompanied by Form CA-43, Affidavit of Undertaker, when transmitted to the Commission.
- B. Where there is a doubt as to whether the injury sustained by the deceased worker was within the scope of

Arrangements
for
Burial of
Deceased
Evacuee
Workers

9/25/43

Supersedes A.I. # 79

(.64B)

the Compensation Act, the Project Director shall not request the undertaker to submit his claim to the Commission without its approval, but shall request authorization from the Commission to do so in making his telegraphic report of the death. If the Commission rules that the claim is not compensable, the undertaker's claim for reimbursement will be paid by the Authority in accordance with Section 30.2.

- C. Form CA-42 shall be prepared and submitted to the Commission in each case where the undertaker submits his claim to the Commission.

9/25/43

Supersedes A.I. # 79